



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2011 Biennium

<b>Bill #</b>	HB0275	<b>Title:</b>	Emergency streamflow for fisheries
<b>Primary Sponsor:</b>	Hamilton, Robin	<b>Status:</b>	As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts           | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<b>Expenditures:</b>				
General Fund	\$785,172*	\$499,442*	\$511,928*	\$524,726*
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>(\$758,172)</u>	<u>(\$499,442)</u>	<u>(\$511,928)</u>	<u>(\$524,726)</u>

**Description of fiscal impact:** \* The fiscal impacts quantified in this fiscal note only address the administration cost of implementing the bill. The fiscal note does not include the costs of compensating water users who may have a valid property right on water that is diverted for emergency stream flow for fisheries; such cost reimbursement could be substantial.

### FISCAL ANALYSIS

#### Assumptions:

1. The work required to implement this bill would necessitate 1.00 FTE hydrologist, 2.00 FTE attorneys, 2.00 FTE paralegals, and 50 short term worker FTE part-time commissioners for an average of one month each per year. FTE costs are inflated 2.5% starting in FY 2012.
2. Operating costs for the 5.0 FTE total \$50,055 in FY 2010 and \$37,981 in FY 2011 as computers and desk packages would not be continuing costs. Costs are inflated 2.5% from FY 2010.
3. 50 commissioners at 160 hours each would be the equivalent of 3.85 FTE, inflation is 2.5% starting in FY 2012.
4. Operating costs for each commissioner would be \$2,575 in FY 2010 and \$1,102 in FY 2011 as computers would only be needed the first year. Costs are inflated 2.5% from FY 2010.
5. Equipment would be purchased for stream discharge measurement for each commissioner at a cost of \$4,000 each.

6. A hydrologist would coordinate the program by developing administrative rules for designating emergency streamflows and procedures the agency would follow for curtailment of water use. Streamflows on gauged streams would be monitored by the hydrologist to initiate the emergency streamflow limits and coordinate, train, and oversee water commissioners.
7. Two attorneys and two paralegals would be required for: anticipated takings lawsuits; coordination with the Water Court on current use and extent of pre-1973 water right claims, within the exclusive jurisdiction of the Water Court; coordination with local district courts administering decreed streams; consultation with water commissioners implementing curtailment under this bill; and lawsuits and judicial review of department permitting decisions concerning the application of the “public trust doctrine” and “clean and healthful environment” constitutional protection to a quantity of water in gauged and non-gauged streams, which has previously not been done.
8. Water commissioners would be required to manage water use on the stream during emergency streamflow periods.
9. It is anticipated that existing court-appointed water commissioners on decreed streams could be hired as needed to distribute water when streamflows fall to the specified critical limits due to their knowledge and experience. DNRC would pay the commissioners during the time period emergency flows were declared and needed to be managed. On streams where there currently are no commissioners, new part-time commissioners would need to be hired and trained.

	<b><u>FY 2010 Difference</u></b>	<b><u>FY 2011 Difference</u></b>	<b><u>FY 2012 Difference</u></b>	<b><u>FY 2013 Difference</u></b>
<b><u>Fiscal Impact:</u></b>				
<b>FTE</b>	8.85	8.85	8.85	8.85
<b><u>Expenditures:</u></b>				
Personal Services	\$406,367	\$406,367	\$416,526	\$426,939
Operating Expenses	\$178,805	\$93,075	\$95,402	\$97,787
Equipment	\$200,000	\$0	\$0	\$0
<b>TOTAL Expenditures</b>	<b>\$785,172</b>	<b>\$499,442</b>	<b>\$511,928</b>	<b>\$524,726</b>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$785,172	\$499,442	\$511,928	\$524,726
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	(\$785,172)	(\$499,442)	(\$511,928)	(\$524,726)

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*Sponsor's Initials*


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*Date*


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*Budget Director's Initials*


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*Date*